

LEVER

DECISION



THE COMPTROLLER GENERAL
OF THE UNITED STATES
WASHINGTON, D.C. 20548

18968

FILE: B-203107

DATE: July 31, 1981

MATTER OF: Weeks-Miller Joint Venture

DIGEST:

Objections regarding procurement conducted by housing authority receiving financial assistance from Federal government will not be considered where material issues are before court of competent jurisdiction and where court has not expressed interest in receiving GAO's views.

Weeks-Miller Joint Venture has filed a complaint regarding Department of Housing and Urban Development (HUD) project Nos. MN46-012-009 and MN46-012-010 issued by the Leech Lake Reservation Housing Authority. The housing authority receives financial assistance from HUD under an Annual Contributions Contract. See 24 C.F.R. § 805.101 et seq. (1980). Weeks-Miller maintains that the housing authority improperly determined that it did not qualify for an Indian preference and thus was not the low bidder. For the reasons given below, we decline to consider the protest.

We have been recently advised that on May 1, 1981, Isanti Contractors, Incorporated filed a complaint in the United States District Court for the District of Minnesota seeking injunctive and declaratory relief. We have been further advised that on June 1, Weeks-Miller filed an intervenor complaint in the proceeding also requesting injunctive and declaratory relief. The court has not expressed an interest in receiving our decision on this matter, which is still pending before the court.

[Protest of Disqualification Determination]

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It is our policy not to consider complaints where the material issues are pending before a court of competent jurisdiction unless the court requests, expects, or otherwise expresses interest in receiving our views. M.D. Taddie and Company, Inc., B-199969, September 16, 1980, 80-2 CPD 199. As the material issues in this matter are pending before a court of competent jurisdiction and because the court has not expressed an interest in our views, we decline to consider Weeks-Miller's objections. Arrow Window Washing and Building Maintenance Corporation, B-200329, October 15, 1980, 80-2 CPD 280.

Harry R. Van Cleve

Harry R. Van Cleve
Acting General Counsel